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Paper No. 8

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CHICAGO, IL 60606

In re Application of  
Edara, et al.  
Application No. 10/020,420  
Filed: December 13, 2001  
Docket No.: INS-120  
For: SYSTEM AND METHOD OF UTILIZING  
A HARDWARE COMPONENT TO EXECUTE AN  
INTERPRETIVE LANGUAGE

**OFFICE OF PETITIONS**  
DECISION REFUSING STATUS  
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a),  
filed September 23, 2002.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of  
this decision to reply, correcting the below-noted deficiencies.  
Any reply should be entitled "Request for Reconsideration of  
Petition under 37 CFR 1.47(a)," and should only address the  
deficiencies noted below, except that the reply may include an  
oath or declaration executed by the non-signing inventor. Failure  
to respond will result in abandonment of the application. Any  
extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed December 13, 2001  
without an executed oath or declaration and naming Vidyasagar  
Edara, Paul Zimmerman, Yair Raz, and Anuradha Bommaji as joint  
inventors. Accordingly, on January 11, 2002, a "Notice to File  
Missing Parts of Nonprovisional Application" was mailed, requiring  
an executed oath or declaration and a surcharge. A petition under  
37 CFR 1.47(a) was filed July 5, 2002 and dismissed July 29, 2002.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that  
the non-signing inventor cannot be reached or refuses to sign the  
oath or declaration after having been presented with the  
application papers (specification, claims and drawings); (2) an  
acceptable oath or declaration in compliance with 35 USC 115 and  
116; (3) the petition fee; and (4) a statement of the last known  
address of the non-signing inventor.

The petition lacks requirement (1) set forth above.

As to item (1), petitioner has failed to establish that the  
inventors cannot be reached or refused to sign the oath or  
declaration after having been presented with the application  
papers (specification, claims, drawings, and oath or declaration).  
Petitioner has not demonstrated that the inventors ever received a  
copy of the application papers (specification, claims, drawings,  
and oath or declaration).

Petitioner has provided no evidence that the non-signing inventors  
received a complete copy of the application papers (**specification**,

**claims, drawings, and oath or declaration)** and thereafter refused to execute the oath or declaration. The declaration of Melissa Paraday indicates that "formal papers" were sent to the non-signing inventors on January 24, 2002, however, the copy of the cover letters to the inventors dated January 24, 2002 indicates that the inventors were forwarded a copy of the declaration and the assignment.

The renewed petition states that the non-signing inventors received the "Declarations, and by their failure to return the Declarations, have effectively refused to sign and return the Declarations." Petitioner is reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to each non-signing inventor. Petitioner has failed to establish that the non-signing inventors received a copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the oath or declaration.

Any renewed petition should be accompanied by evidence to establish that each non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioner may wish to provide the Office copies of letters sent to the inventors indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventors receive the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

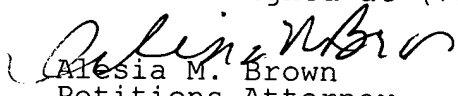
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
Box DAC  
Washington, DC 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23  
2201 S. Clark Place  
Arlington, VA

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

  
Melissa M. Brown  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy